

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**GARY DENTAL, BALES AND BRADY  
TOWING WEST, LLC, BRADLEY  
KELLEY, and TIMOTHY HALL,**

Plaintiffs,

v.

**CITY OF SALEM/SALEM POLICE  
DEPARTMENT, CITY OF  
KEIZER/KEIZER POLICE DEPARTMENT,  
UNITED STATES DRUG ENFORCEMENT  
AGENCY, ANDREW ROBERTS, MARK  
KEAGLE, BENJAMIN RUDELL, GERRIT  
ROELOF, JEFF JOHNSON, and TYSON HODGES,**

Defendants.

**MOSMAN, J.,**

No. 3:13-cv-1659-HU

OPINION AND ORDER

On June 18, 2014, Magistrate Judge Hubel issued his Findings and Recommendation [44], recommending that the Keizer Defendants' (City of Keizer and Officer Jeff Johnson of the Keizer Police Department) partial motion to dismiss [20] be GRANTED. No objections to this motion were filed.

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge,

but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Hubel's recommendation and I ADOPT the F&R [44] as my own opinion.

IT IS SO ORDERED.

DATED this 20th day of August, 2014.

/s/ Michael W. Mosman  
MICHAEL W. MOSMAN  
United States District Judge